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INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference ADM/8089 WO | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416) | |
| International application No. PCT/GB 03/03351 | International filing date (day/month/year) 31.07.2003 | Priority date (day/month/year) 08.08.2002 |
| International Patent Classification (IPC) or both national classification and IPC B65D71/06 | | |
| Applicant GRAPHIC PACKAGING INTERNATIONAL, INC et al. | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

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|---|---|
| Date of submission of the demand 04.03.2004 | Date of completion of this report 15.11.2004 |
| Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | Authorized Officer Fitterer, J Telephone No. +49 89 2399-7916  |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB 03/03351

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-6

as originally filed

Claims, Numbers

1-12

received on 21.07.2004 with letter of 19.07.2004

Drawings, Sheets

1/6-6/6

as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------|
| Novelty (N) | Yes: Claims | 1-12 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-12 |
| Industrial applicability (IA) | Yes: Claims | 1-12 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following documents:

- D1: US-A-5 368 194 (OLIFF JAMES R ET AL) 29 November 1994 (1994-11-29)
- D2: US-A-3 300 115 (SCHAUER MARVIN L) 24 January 1967 (1967-01-24)
- D3: WO 02 14166 A (AUCLAIR JEAN MICHEL ; DANIEL JEAN YVES (FR); MEAD CORP (US)) 21 February 2002 (2002-02-21)
- D4: US-A-2 928 539 (CHIRCHIGLIA SALV. N) 15 March 1960 (1960-03-15)

2 INDEPENDENT CLAIM

Claim 1 does not meet the requirement of Article 33(3) PCT, because its subject-matter does not involve an inventive step.

Document D1 discloses (cf. figures 1-7; column 3, line 60 - column 6, line 55) a paperboard carton for articles arranged in end-on-end relationship in at least two layers, the carton having a top panel (18), a base panel (12), and a pair of oppositely disposed side panels (30, 68, 34, 72), an end panel combination (14, 60, 66, 22, 76, 80) being provided at each end of the carton to close the ends of the carton, and a divider pad (90) being provided between the adjacent end-on-end layers of articles and being secured relative to the side panels, one of the side panels (30, 68) having a removable portion (84, 86) adjacent to one end panel combination (14, 60, 66) so as to define a roll-out aperture for article removal when the carton is lying on said one end panel combination (14, 60, 66).

The subject-matter of claim 1 therefore differs from this known carton in that the divider pad is secured relative to an end panel combination at one end. However, this difference cannot be considered as involving an inventive step, because it merely relates to several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, to solve the problem of fixing the divider pad: The skilled person would secure the divider pad to at least one of the side panels and/or to at least one of the end panels (there are no other possibilities).

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3 DEPENDENT CLAIMS

Dependent claims 2-12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, the reasons being as follows:

Claim 2: see paragraph 2 of this report.

Claim 3: cf. D2, figure 6.

Claim 4: cf. D1, figure 4; D2, figures 4, 5.

Claims 5-7: cf. D3, figure 10.

Claim 8: cf. D1, figures 1, 7, 8; D2, figures 1, 6.

Claim 9: cf. D1, figure 1; D2, figure 6.

Claims 10-12: cf. D4, figure 17 and column 4, line 63 - column 5, line 22.

Claims

1. A paperboard carton for articles arranged in end-on-end relationship in at least two layers, the carton having a top panel, a base panel, and a pair of oppositely disposed side panels, an end panel combination being provided at each end of the carton to close the end of the carton, and a divider pad being provided between the adjacent end-on-end layers of articles and being secured relative to the end panel combination at one end, one of the side panels having a removable portion adjacent said one end so as to define a roll-out aperture for article removal when the carton is lying on said one end panel combination.
2. A carton as claimed in claim 1 wherein the divider pad is secured relative to the other end panel combination.
3. A carton as claimed in claim 1 or claim 2 wherein each end panel combination comprises a pair of oppositely disposed side end flaps hingedly connected to the side panels and a pair of oppositely disposed main end flaps hingedly connected to the top and base panels respectively.
4. A carton as claimed in any one of claims 1 to 3 wherein the divider pad has a fold down gluing panel at the or each secured end.
5. A carton as claimed in claim 4 wherein the top end flap is folded down last and is adhesively secured to all its associated end flaps of its associated end panel combination and to its associated fold down gluing panel.

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6. A carton as claimed in claim 5 wherein a single straight glue line effects said adhesive attachment of the top end flap to the other end flaps and gluing panel.
7. A carton as claimed in claim 6 wherein the base end flap has a central projecting area such that the straight glue line is provided in turn on one of the side end flaps, the gluing panel, the central area of the base end flaps, the gluing panel and the other side end flap.
8. A carton as claimed in any one of claims 1 to 7 wherein said removable portion extends into the top and base panels to aid removal of the articles and also said removable portion is defined by perforations or other lines of weakening.
9. A carton as claimed in any one of claims 1 to 8 wherein the top panel, base panel, two side and two end panel combinations are substantially rectangular.
10. A carton as claimed in any one of claims 1 to 9 wherein one or more cuts extend partway to the adjacent end from the removable portion.
11. A carton as claimed in claim 10 wherein two of said cuts extend along the folds between the said one side panel and the top and base panels respectively.
12. A carton as claimed in claim 10 or claim 11 wherein a transverse cut is provided at the end of the or each cut remote from the removable portion.

AMENDED SHEET